

Senate File 2355 - Introduced

SENATE FILE 2355

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SSB 3220)

A BILL FOR

1 An Act relating to matters under the purview of the department
2 of transportation, establishing a fee, and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

HIGHWAYS

Section 1. Section 306.3, unnumbered paragraph 1, Code 2014, is amended to read as follows:

As used in this chapter or in any chapter of the Code relating to highways, except as otherwise specified:

Sec. 2. Section 306C.1, subsection 2, Code 2014, is amended to read as follows:

2. "*Interstate highway*" includes "*interstate road*" and "*interstate system*" and means any highway of the primary national highway system at any time officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the federal government.

Sec. 3. Section 306C.1, Code 2014, is amended by adding the following new subsection:

NEW SUBSECTION. 5. "*National highway system*" means the network designated by the federal highway administration in consultation with the state department of transportation, which consists of interconnected urban and rural principal arterials and highways that serve major population centers, ports, airports, public transportation facilities, other intermodal transportation facilities, and other major travel destinations; meet national defense requirements; and serve interstate and interregional travel.

Sec. 4. Section 306C.2, unnumbered paragraph 1, Code 2014, is amended to read as follows:

A person shall not establish, operate, or maintain a junkyard, any portion of which is within one thousand feet of the nearest edge of the right-of-way of any interstate highway on the national highway system, except:

Sec. 5. Section 306C.3, Code 2014, is amended to read as follows:

306C.3 Junkyards lawfully in existence.

1. Any junkyard located outside a zoned or unzoned

1 industrial area lawfully in existence on July 1, 1972,
 2 which is within one thousand feet of the nearest edge of
 3 the right-of-way and visible from the main-traveled portion
 4 of any highway on the interstate system shall be screened,
 5 if feasible, by the department, or by the owner under rules
 6 and direction of the department, at locations on the highway
 7 right-of-way or in areas acquired for such purposes outside
 8 the right-of-way in order to obscure the junkyard from the
 9 main-traveled way of such highways.

10 2. Any junkyard located outside a zoned or unzoned
 11 industrial area lawfully in existence on July 1, 2014, which
 12 is within one thousand feet of the nearest edge of the
 13 right-of-way and visible from the main-traveled portion of
 14 any noninterstate highway which is on the national highway
 15 system shall be screened, if feasible, by the department, or
 16 by the owner under rules and direction of the department, at
 17 locations on the highway right-of-way or in areas acquired for
 18 such purposes outside the right-of-way in order to obscure the
 19 junkyard from the main-traveled way of such highways.

20 Sec. 6. Section 306C.10, subsections 1, 2, 10, 13, and 20,
 21 Code 2014, are amended to read as follows:

22 1. "*Adjacent area*" means an area which is contiguous to
 23 and within six hundred sixty feet of the nearest edge of the
 24 right-of-way of any ~~interstate, freeway primary, or primary~~
 25 highway.

26 2. "*Advertising device*" includes any outdoor sign, display,
 27 device, figure, painting, drawing, message, placard, poster,
 28 billboard, or any other device designed, intended, or used to
 29 advertise or give information in the nature of advertising, and
 30 having the capacity of being visible from the traveled portion
 31 of any ~~interstate or primary~~ highway.

32 10. "*Interstate highway*" includes "*interstate road*" and
 33 "*interstate system*" and means any highway of the ~~primary~~
 34 national highway system at any time officially designated as a
 35 part of the national system of interstate and defense highways

1 by the department and approved by the appropriate authority of
2 the federal government.

3 13. *"Primary highways"* ~~includes the entire primary system as~~
4 ~~officially designated, or as may hereafter be so designated,~~
5 ~~by the department~~ means all highways on the national highway
6 system and all highways on the federal-aid primary system as it
7 existed on June 1, 1991.

8 20. *"Unzoned commercial or industrial area"* means those areas
9 not zoned by state or local law, regulation, or ordinance,
10 which are occupied by one or more commercial or industrial
11 activities, and the land along the ~~interstate highways and~~
12 primary highways for a distance of seven hundred fifty feet
13 immediately adjacent to the activities. All measurements
14 shall be from the outer edge of the regularly used buildings,
15 parking lots, storage, or processing areas of the activities
16 and shall be parallel to the edge of pavement of the highway.
17 Measurements shall not be from the property line of the
18 activities unless that property line coincides with the limits
19 of the activities. Unzoned commercial or industrial areas
20 shall not include land on the opposite side of the highway from
21 the commercial or industrial activities.

22 Sec. 7. Section 306C.10, Code 2014, is amended by adding the
23 following new subsection:

24 NEW SUBSECTION. 12A. *"National highway system"* means the
25 network designated by the federal highway administration in
26 consultation with the state department of transportation, which
27 consists of interconnected urban and rural principal arterials
28 and highways that serve major population centers, ports,
29 airports, public transportation facilities, other intermodal
30 transportation facilities, and other major travel destinations;
31 meet national defense requirements; and serve interstate and
32 interregional travel.

33 Sec. 8. Section 306C.12, Code 2014, is amended to read as
34 follows:

35 **306C.12 None visible from highway.**

1 An advertising device shall not be constructed or
2 reconstructed beyond the adjacent area in unincorporated areas
3 of the state if it is visible from the main-traveled way of
4 any ~~interstate or~~ primary highway except for advertising
5 devices permitted in section 306C.11, subsections 1 and 2.
6 Any advertising device permitted beyond an adjacent area in
7 unincorporated areas of the state shall be subject to the
8 applicable permit provisions of section 306C.18.

9 Sec. 9. Section 306C.13, subsections 2, 3, 4, and 5, Code
10 2014, are amended to read as follows:

11 2. Advertising devices located within the adjacent
12 area of nonfreeway primary highways shall not be erected or
13 maintained closer to another advertising device facing in the
14 same direction than one hundred feet if inside the corporate
15 limits of a municipality. No advertising device, other than
16 as excepted or permitted by ~~subsections~~ subsection 4, 5, or 6
17 ~~of this section~~, shall be located within the triangular area
18 formed by the line connecting two points each fifty feet back
19 from the point where the street right-of-way lines of the
20 main-traveled way and the intersecting street meet, or would
21 meet, if extended.

22 3. Advertising devices located within the adjacent area of
23 nonfreeway primary highways shall not be erected or maintained
24 closer to another advertising device facing in the same
25 direction than three hundred feet if outside the corporate
26 limits of a municipality. No advertising device, other than
27 those excepted or permitted by ~~subsections~~ subsection 4, 5, or
28 6 ~~of this section~~, shall be located within the triangular area
29 formed by a line connecting two points each one hundred feet
30 back from the point where the street right-of-way lines of the
31 main-traveled way and the intersecting street meet, or would
32 meet, if extended.

33 4. The distance spacing measurements fixed by subsections 2
34 and 3 ~~of this section~~ shall not apply to advertising devices
35 which are separated by a building in such a manner that only

1 one advertising device located within the minimum spacing
2 distance is visible from a highway at any one time.

3 5. Within a triangular area, as defined by subsections 2
4 and 3 ~~of this section~~, occupied by a building or structure, no
5 advertising device shall be erected or maintained closer to the
6 intersection than the building or structure itself, except that
7 a wall advertising device may be attached to said building or
8 structure not to protrude more than twelve inches.

9 Sec. 10. Section 306C.13, subsection 8, paragraph g, Code
10 2014, is amended to read as follows:

11 g. The standards contained in this section pertaining to
12 size, lighting, and spacing shall not apply to advertising
13 devices erected or maintained within six hundred sixty feet
14 of the right-of-way of those portions of the interstate
15 highway system exempted from control under chapter 306B by
16 authority of section 306B.2, subsection 4, nor to advertising
17 devices erected and maintained within adjacent areas along
18 noninterstate primary highways within zoned and unzoned
19 commercial and industrial areas, unless said advertising
20 devices were erected subsequent to July 1, 1972.

21 DIVISION II

22 MISCELLANEOUS PROVISIONS

23 Sec. 11. Section 321.50, subsection 5, Code 2014, is amended
24 by adding the following new paragraph:

25 NEW PARAGRAPH. d. For purposes of this subsection, a
26 security interest noted on an Iowa certificate of title and
27 appearing in the statewide computer system and the county's
28 records shall be presumed to be discharged upon presentation of
29 a valid certificate of title subsequently issued by a foreign
30 jurisdiction on which the security interest is no longer noted.

31 Sec. 12. Section 321.176A, subsection 1, Code 2014, is
32 amended to read as follows:

33 1. A farmer or a person working for a farmer while operating
34 ~~a commercial motor vehicle controlled by the farmer within one~~
35 ~~hundred fifty air miles of the farmer's farm to transport the~~

1 ~~farmer's own agricultural products, farm machinery, or farm~~
 2 ~~supplies to or from the farm~~ covered farm vehicle as defined
 3 in the federal Moving Ahead for Progress in the 21st Century
 4 Act, Pub. L. No. 112-141, §32934. The exemption provided in
 5 this subsection shall apply to farmers who assist each other
 6 through an exchange of services and shall include operation of
 7 a commercial motor vehicle between the farms of the farmers who
 8 are exchanging services.

9 Sec. 13. Section 321.187, Code 2014, is amended to read as
 10 follows:

11 **321.187 Examiners.**

12 1. The department shall examine applicants for driver's
 13 licenses. Examiners of the department shall wear an
 14 identifying badge and uniform provided by the department.

15 2. The department may by rule designate community colleges
 16 established under chapter 260C and other third-party testers to
 17 administer the driving skills test required for a commercial
 18 driver's license, provided that all of the following occur:

19 a. The driving skills test is the same as that which would
 20 otherwise be administered by the state.

21 b. The ~~examiner~~ third-party tester contractually agrees to
 22 comply with the requirements of 49 C.F.R. §383.75 as adopted by
 23 rule by the department.

24 c. Any third-party skills test examiner used by the
 25 third-party tester shall meet the requirements of 49 C.F.R.
 26 §383.75 and 49 C.F.R. §384.228, as adopted by rule by the
 27 department. The department shall adopt rules requiring that a
 28 third-party tester, other than a community college established
 29 under chapter 260C, shall be an Iowa-based motor carrier, or
 30 its subsidiary, that has its principal office within this state
 31 and operates a permanent commercial driver training facility
 32 in this state. The rules may also provide that a third-party
 33 tester conduct a number of skills test examinations above the
 34 number required under 49 C.F.R. §383.75 in order to remain
 35 qualified as a third-party tester under this section.

1 3. As used in this section, "third-party tester" and
2 "third-party skills test examiner" mean as defined in 49 C.F.R.
3 §383.5.

4 Sec. 14. Section 321.257, subsection 2, paragraphs g and h,
5 Code 2014, are amended to read as follows:

6 g. A "don't walk" or "steady upraised hand" light is a
7 pedestrian signal which means that pedestrian traffic facing
8 the illuminated pedestrian signal shall not start to cross
9 the roadway in the direction of the pedestrian signal, and
10 pedestrian traffic in the crossing shall proceed to a safety
11 zone.

12 h. A "walk" or "walking person" light is a pedestrian signal
13 which means that pedestrian traffic facing the illuminated
14 pedestrian signal may proceed to cross the roadway in the
15 direction of the pedestrian signal and shall be given the
16 right-of-way by drivers of all vehicles.

17 Sec. 15. Section 321.257, subsection 2, Code 2014, is
18 amended by adding the following new paragraphs:

19 NEW PARAGRAPH. *0g.* A "flashing yellow arrow" light shown
20 alone or with another official traffic-control signal means
21 vehicular traffic may cautiously enter the intersection
22 and proceed only in the direction indicated by the arrow.
23 Vehicular traffic shall yield the right-of-way to other
24 vehicles and pedestrians lawfully within the intersection and
25 any vehicle on the opposing approach which is approaching so
26 closely as to constitute an immediate hazard during the time
27 the driver is moving within the intersection.

28 NEW PARAGRAPH. *0h.* A "flashing upraised hand" or "upraised
29 hand with countdown" light is a pedestrian signal which means
30 that pedestrian traffic facing the illuminated pedestrian
31 signal shall not start to cross the roadway in the direction of
32 the pedestrian signal, and pedestrian traffic in the crossing
33 shall proceed to a safety zone. The "upraised hand with
34 countdown" light is a pedestrian signal that also provides the
35 time remaining for the pedestrian to complete the crossing.

1 Sec. 16. Section 321.258, Code 2014, is amended to read as
2 follows:

3 **321.258 Arrangement of lights on official traffic-control**
4 **signals.**

5 1. Colored lights placed on a vertical official
6 traffic-control signal face shall be arranged from the top to
7 the bottom in the following order when used:

- 8 a. Circular red, ~~circular.~~
9 b. Steady and/or flashing left-turn red arrow.
10 c. Steady and/or flashing right-turn red arrow.
11 d. Circular yellow, ~~circular.~~
12 e. Circular green, ~~straight through yellow arrow, straight~~
13 through.
14 f. Straight-through green arrow, ~~left turn.~~
15 g. Steady left-turn yellow arrow, ~~left turn.~~
16 h. Flashing left-turn yellow arrow.
17 i. Left-turn green arrow, ~~right turn.~~
18 j. Steady right-turn yellow arrow, ~~and right turn.~~
19 k. Flashing right-turn yellow arrow.
20 l. Right-turn green arrow.

21 2. Colored lights placed on a horizontal official
22 traffic-control signal face shall be arranged from the left to
23 the right in the following order when used:

- 24 a. Circular red, ~~circular.~~
25 b. Steady and/or flashing left-turn red arrow.
26 c. Steady and/or flashing right-turn red arrow.
27 d. Circular yellow, ~~left turn.~~
28 e. Steady left-turn yellow arrow, ~~left turn.~~
29 f. Flashing left-turn yellow arrow.
30 g. Left-turn green arrow, ~~circular.~~
31 h. Circular green, ~~straight through yellow.~~
32 i. Straight-through green arrow, ~~straight through green.~~
33 j. Steady right-turn yellow arrow, ~~right turn.~~
34 k. Flashing right-turn yellow arrow, ~~and right turn.~~
35 l. Right-turn green arrow.

1 Sec. 17. NEW SECTION. **328.13 Commercial air service**
2 **retention and expansion committee.**

3 A commercial air service retention and expansion committee
4 is established within the aviation office of the department.
5 The membership of the committee shall consist of the director
6 or the director's designee; the managers of each airport in
7 Iowa with commercial air service; two members of the senate,
8 one appointed by the majority leader of the senate and one
9 appointed by the minority leader of the senate; and two members
10 of the house of representatives, one appointed by the speaker
11 of the house and one appointed by the minority leader of the
12 house. Legislative members are eligible for per diem and
13 expenses as provided in section 2.10, for each day of service.
14 The committee shall, on or before December 31, 2014, develop a
15 plan for the retention and expansion of passenger air service
16 in Iowa. The committee shall meet as the committee deems
17 necessary to assess progress in implementing the plan and, if
18 necessary, to update the plan.

19 Sec. 18. Section 328.24, unnumbered paragraph 1, Code 2014,
20 is amended to read as follows:

21 If, during the year for which an aircraft, except
22 nonresident aircraft used for the application of herbicides
23 and pesticides, was registered and the required fee paid, the
24 aircraft is destroyed by fire or accident or junked, and its
25 identity as an aircraft entirely eliminated, or it the aircraft
26 is removed and continuously used beyond the boundaries of the
27 state, then the owner in whose name it was registered at the
28 time of destruction, dismantling, or removal from the state
29 shall return the certificate of registration to the department
30 within ~~ten~~ thirty days and make affidavit of the destruction,
31 dismantling, or removal and make claim for the refund. The
32 refund shall be paid from the general fund of the state.

33 Sec. 19. 2012 Iowa Acts, chapter 1129, section 4, is amended
34 to read as follows:

35 SEC. 4. ROAD USE TAX FUND EFFICIENCY MEASURES

1 — ~~QUARTERLY~~ ANNUAL REPORTS. The department of transportation
 2 shall submit ~~quarterly reports~~ a report annually on or before
 3 December 31 in an electronic format to the co-chairpersons
 4 of the joint appropriations subcommittee on transportation,
 5 infrastructure, and capitals, the chairpersons of the senate
 6 and house standing committees on transportation, the department
 7 of management, and the legislative services agency regarding
 8 the implementation of efficiency measures identified in the
 9 "Road Use Tax Fund Efficiency Report", January 2012. The
 10 reports shall provide details of activities undertaken in
 11 the previous ~~quarter~~ year relating to one-time and long-term
 12 program efficiencies and partnership efficiencies. Issues to
 13 be covered in the reports shall include but are not limited
 14 to savings realized from the implementation of particular
 15 efficiency measures; updates concerning measures that have
 16 not been implemented; efforts involving cities, counties,
 17 other jurisdictions, or stakeholder interest groups; any
 18 new efficiency measures identified or undertaken; and
 19 identification of any legislative action that may be required
 20 to achieve efficiencies. ~~The first report shall be submitted~~
 21 ~~by October 1, 2012.~~

22 Sec. 20. INTERSECTION REPORT. By October 1, 2014, the
 23 county engineer of each county shall provide a report to
 24 the department of transportation identifying all locations
 25 in the county where two different roads or highways having
 26 speed limits of 55 miles per hour or greater intersect but
 27 are not controlled by an official traffic-control signal
 28 or by official traffic-control devices that direct traffic
 29 approaching from every direction to stop or yield before
 30 entering the intersection. On or before December 31, 2014, the
 31 department shall file a report with the legislative services
 32 agency detailing the number and locations of the intersections
 33 identified in the county engineers' reports.

34 Sec. 21. FUTURE REPEAL. The section of this division of
 35 this Act amending section 321.187 is repealed five years after

1 the effective date of this division of this Act.

2 Sec. 22. EFFECTIVE UPON ENACTMENT. The following provision
3 of this division of this Act, being deemed of immediate
4 importance, takes effect upon enactment:

5 1. The section of this division of this Act amending section
6 321.187.

7 DIVISION III

8 MOTOR VEHICLE DEALERS

9 Sec. 23. Section 321.48, Code 2014, is amended by adding the
10 following new subsection:

11 NEW SUBSECTION. 2A. Notwithstanding subsections 1 and 2,
12 requirements in those subsections for obtaining title to a
13 vehicle or acknowledging assignment and warranty of title do
14 not apply to a dealer who sells a motor vehicle to a purchaser
15 in a consignment transaction authorized under section 322.7B.

16 Sec. 24. Section 321.57, subsection 1, Code 2014, is amended
17 to read as follows:

18 1. A dealer owning any vehicle of a type otherwise
19 required to be registered under this chapter may operate or
20 move the vehicle upon the highways solely for purposes of
21 transporting, testing, demonstrating, or selling the vehicle
22 without registering the vehicle, upon condition that the
23 vehicle display in the manner prescribed in sections 321.37
24 and 321.38 a special plate issued to the owner as provided in
25 sections 321.58 through 321.62. A dealer may operate or move
26 upon the highways a vehicle owned by the dealer for either
27 private or business purposes, including hauling a load or
28 towing a trailer, without registering it if the vehicle is in
29 the dealer's inventory and is continuously offered for sale at
30 retail, and there is displayed on it a special plate issued to
31 the dealer as provided in sections 321.58 through 321.62. A
32 dealer may operate or move upon the highways an unregistered
33 vehicle owned by a lessor licensed pursuant to chapter 321F
34 solely for the purpose of delivering the vehicle to the owner
35 or transporting the vehicle to or from an auction if there is

1 displayed on the vehicle a special plate issued to the dealer
2 as provided in sections 321.58 through 321.62.

3 Sec. 25. Section 321.60, Code 2014, is amended to read as
4 follows:

5 **321.60 Issuance of special plates.**

6 The department shall ~~also~~ issue special plates as applied
7 for, which shall display the general distinguishing number
8 assigned to the applicant. Each plate so issued shall
9 also contain a number or symbol identifying the plate and
10 distinguishing it from every other plate bearing the same
11 general distinguishing number. The fee for each special plate
12 is forty dollars for a two-year period or part thereof. The
13 fee for a special plate used on a vehicle that is hauling a
14 load or towing a trailer is seven hundred fifty dollars for a
15 two-year period or part thereof.

16 Sec. 26. Section 321.69A, subsection 1, paragraph a,
17 subparagraph (2), Code 2014, is amended to read as follows:

18 (2) The actual cost of any labor or parts charged to or
19 performed by the dealer for any such repairs, adjustments, or
20 parts does not exceed four percent of the ~~dealer's adjusted~~
21 ~~cost~~ manufacturer's suggested retail price.

22 Sec. 27. Section 321.69A, subsections 2 and 3, Code 2014,
23 are amended to read as follows:

24 2. A person licensed as a new motor vehicle dealer pursuant
25 to chapter 322 shall disclose in writing, at or before the
26 time of sale or lease, to the buyer or lessee of a new motor
27 vehicle that the vehicle has been subject to any repairs of
28 damage to or adjustments on or replacements of parts with new
29 parts if the actual cost of any labor or parts charged to or
30 performed by the dealer for any such repairs, adjustments,
31 or parts exceeds four percent of the ~~dealer's adjusted cost~~
32 manufacturer's suggested retail price. The written disclosure
33 shall include the signature of the buyer or lessee and be in
34 a form and in a format approved by the attorney general by
35 rule. A dealer shall retain a copy of each written disclosure

1 issued pursuant to this section for five years from the date
2 of issuance.

3 3. As used in this section, ~~"dealer's adjusted cost"~~
4 "manufacturer's suggested retail price" means the amount paid by
5 ~~the dealer to the manufacturer or other source for the vehicle,~~
6 ~~including any freight charges, but excluding any sum paid by~~
7 ~~the manufacturer to the dealer as a holdback or other monetary~~
8 ~~incentive relating to the vehicle~~ required to be disclosed by a
9 dealer pursuant to 15 U.S.C. §1232(f)(4).

10 Sec. 28. Section 321.105A, subsection 2, paragraph c,
11 subparagraph (14), Code 2014, is amended to read as follows:

12 (14) Vehicles purchased by a licensed motor vehicle dealer
13 for resale or primarily for use by the dealer's customers while
14 the customers' vehicles are being serviced or repaired by the
15 dealer.

16 Sec. 29. NEW SECTION. **322.7B Consignment sales of motor**
17 **trucks.**

18 A licensed motor vehicle dealer may sell a used motor truck
19 on a consignment basis if all of the following conditions
20 apply:

21 1. The dealer is licensed to sell used motor vehicles.

22 2. The motor truck offered for sale has a gross vehicle
23 weight rating of twenty-six thousand one or more pounds.

24 3. The dealer prominently displays the words "consignment
25 vehicle" on the motor truck and indicates clearly in the sales
26 documentation that the motor truck is a consignment vehicle.
27 The dealer shall put customers on notice that the dealer does
28 not have title to the vehicle and does not warranty the title.

29 4. The purchaser certifies to the dealer that the person is
30 either a corporation, limited liability company, or partnership
31 or a person who files a schedule C or schedule F form for
32 federal income tax purposes, and that the motor truck is being
33 purchased for business purposes, and not for personal use.

34 5. The dealer assumes no liability for damages resulting
35 from a customer's test drive of the motor truck, and the

1 consignor maintains financial liability coverage as required
2 under section 321.20B or 325A.6, as appropriate, for the motor
3 truck throughout the term of the consignment.

4 Sec. 30. Section 322.9, subsection 2, paragraphs a, b, and
5 c, Code 2014, are amended to read as follows:

6 a. Failing upon the sale or transfer of a vehicle, except
7 upon the sale of a vehicle under section 322.7B, to deliver to
8 the purchaser or transferee of the vehicle sold or transferred,
9 a manufacturer's or importer's certificate, or a certificate of
10 title duly assigned, as provided in chapter 321.

11 b. Failing upon the purchasing or otherwise acquiring of a
12 vehicle, except a vehicle acquired on consignment under section
13 322.7B, to obtain a manufacturer's or importer's certificate,
14 or a certificate of title duly assigned as provided in chapter
15 321.

16 c. Failing upon the purchasing or otherwise acquiring of a
17 vehicle, except a vehicle acquired on consignment under section
18 322.7B, to obtain a new certificate of title to such vehicle
19 when and where required in chapter 321.

20 EXPLANATION

21 The inclusion of this explanation does not constitute agreement with
22 the explanation's substance by the members of the general assembly.

23 This bill contains provisions relating to matters under the
24 purview of the department of transportation (DOT).

25 DIVISION I — HIGHWAYS. Under current law, the DOT has
26 the responsibility for regulating junkyards along interstate
27 highways. This bill extends the scope of that responsibility
28 to include all highways on the national highway system. The
29 national highway system is designated by the federal highway
30 administration in consultation with the DOT and consists of
31 certain interconnected urban and rural principal arterials and
32 highways.

33 The bill prohibits the establishment, operation, or
34 maintenance of a junkyard within 1,000 feet of the nearest
35 edge of the right-of-way of any highway on the national

1 highway system unless the junkyard is not visible from the
2 main-traveled portion of the highway or is screened from view;
3 is located within areas zoned for industrial use; or is located
4 in an unzoned industrial area defined by DOT regulations.
5 However, a junkyard in a zoned or unzoned industrial area
6 lawfully in existence on July 1, 2014, which is within 1,000
7 feet of the right-of-way and visible from the main-traveled
8 portion of the highway shall be screened, if feasible, by the
9 DOT or by the owner at the direction of the DOT.

10 Under current law, the DOT regulates billboards along
11 interstates and primary highways. The bill expands the scope
12 of that regulation by redefining "primary highways" to include
13 all highways on the national highway system and all highways
14 on the federal-aid primary system as it existed on June 1,
15 1991. Certain restrictions on the placement of advertising
16 devices are amended to narrow the application to nonfreeway or
17 noninterstate primary highways.

18 DIVISION II — MISCELLANEOUS PROVISIONS. Code section
19 321.50 is amended to provide that when a security interest is
20 noted on an Iowa certificate of title and in the statewide
21 computer system and the county's records, it can be presumed
22 that the security interest has been discharged upon the
23 presentation of a valid certificate of title subsequently
24 issued by the foreign jurisdiction on which the security
25 interest is no longer noted.

26 The bill amends a provision in Code section 321.176A which
27 describes the exemption from commercial driver's license
28 requirements that applies to farmers and persons working for
29 farmers. The bill states that the exemption applies to a
30 farmer or a person working for a farmer while operating a
31 covered farm vehicle as defined in the 2012 federal Moving
32 Ahead for Progress in the 21st Century Act, also known as
33 MAP-21, which authorizes surface transportation funding.

34 The bill amends Code section 321.187 to allow third-party
35 testers to administer the driving skills test required for a

1 commercial driver's license, provided the third-party tester
2 administers the same test as that which would be administered
3 by the state and complies with federal regulations for testing
4 which are adopted by the department by rule. A skills test
5 examiner used by a third-party tester must also meet federal
6 requirements. The DOT is directed to adopt rules requiring
7 that a third-party tester, other than a community college,
8 be an Iowa-based motor carrier, or its subsidiary, whose
9 principal office is within this state and that operates a
10 permanent commercial driver training facility in this state.
11 The rules may also require a third-party tester to conduct a
12 number of skills test examinations above the number required
13 under federal law in order to remain qualified as a third-party
14 tester. The changes to Code section 321.187 take effect upon
15 enactment and are repealed five years later.

16 The bill amends Code section 321.257 to describe new colored
17 lights and lighted symbols used on official traffic-control
18 signals. The "steady upraised hand" light means the same as
19 the "don't walk" light, and the "walking person" light means
20 the same as the "walk" light. The "flashing upright hand"
21 and the "upraised hand with countdown" lights are pedestrian
22 signals that indicate when to wait before crossing or proceed
23 to a safety zone, and the "upraised hand with countdown"
24 light also indicates the time remaining for the pedestrian to
25 complete the crossing. The "flashing yellow arrow" light means
26 vehicular traffic may cautiously enter the intersection and
27 proceed in the direction indicated by the arrow, but must yield
28 the right-of-way to other vehicles and pedestrians lawfully in
29 the intersection or approaching closely.

30 The bill amends Code section 321.258 to update descriptions
31 of the arrangement of lights on official traffic-control
32 signals. The bill adds steady and/or flashing left-turn
33 and right-turn red arrows, steady left-turn yellow arrows,
34 and flashing left-turn yellow arrows to the prescribed
35 arrangements.

1 The bill enacts new Code section 328.13 establishing a
2 commercial air service retention and expansion committee within
3 the aviation office of the DOT. Members of the committee
4 include representatives from the DOT, commercial airports,
5 and the general assembly. The charge of the committee is
6 to develop a plan on or before December 31, 2014, for the
7 retention and expansion of passenger air service in Iowa and to
8 meet as necessary to assess progress in implementing the plan
9 and if necessary to update the plan.

10 Under current law, when an aircraft that was registered
11 in this state is destroyed by fire or accident or junked and
12 its identity as an aircraft entirely eliminated, or when the
13 aircraft is removed from the state, the owner has 10 days in
14 which to return the certificate of title and claim a refund
15 of the registration fee. The bill extends the deadline to 30
16 days.

17 Pursuant to 2012 Iowa Acts, chapter 1129, section 4, the DOT
18 is currently required to submit quarterly reports regarding
19 the implementation of efficiency measures identified in the
20 "Road Use Tax Fund Efficiency Report", January 2012, and any
21 new efficiency measures identified or undertaken. The bill
22 requires the efficiency reports to be submitted annually by
23 December 31, instead of quarterly.

24 The bill requires the engineer of each county to provide a
25 report to the DOT by October 1, 2014, identifying all locations
26 in the county where two different roads or highways with a
27 speed limit of 55 miles per hour or greater intersect but
28 are not controlled by an official traffic-control signal or
29 official traffic-control devices in all directions. The DOT is
30 directed to file a report with the legislative services agency
31 by December 31, 2014, detailing the number and locations of the
32 intersections identified in the county engineers' reports.

33 DIVISION III — MOTOR VEHICLE DEALERS. Current law allows a
34 motor vehicle dealer to operate a vehicle owned by the dealer
35 for either private or business purposes without registering

1 the vehicle, provided the vehicle is in the dealer's inventory
2 and is continuously offered for sale at retail and the vehicle
3 displays a special dealer plate. The fee for a special dealer
4 plate is \$40 for a two-year period. The bill allows such a
5 vehicle to be used to haul a load or tow a trailer. The bill
6 establishes a fee of \$750 for a two-year period for a special
7 dealer plate to be displayed on a vehicle used to haul a load
8 or tow a trailer.

9 Current law requires a new motor vehicle dealer to
10 disclose to a buyer if the vehicle has had any damage repairs,
11 adjustments on parts, or replacement of parts if the cost of
12 the repairs, adjustments, or replacement exceeds 4 percent
13 of the dealer's adjusted cost. The bill changes the measure
14 requiring disclosure to be an amount that exceeds 4 percent of
15 the manufacturer's suggested retail price.

16 The bill provides an exemption from the fee for new
17 registration for vehicles primarily used by a dealer's
18 customers while the customer's vehicles are being serviced
19 or repaired by the dealer. Currently, the exemption is only
20 available for vehicles purchased by a dealer for resale.

21 The bill allows a licensed motor vehicle dealer to sell
22 used motor trucks with a gross vehicle weight rating of
23 26,001 or more pounds on a consignment basis. The dealer
24 must be licensed to sell used vehicles, and the purchaser
25 must be either a corporation or other business entity that
26 is purchasing the vehicle for a business purpose. A vehicle
27 being sold on consignment must be prominently labeled as a
28 consignment vehicle; the sales documentation must clearly
29 indicate that the vehicle is being sold on consignment; and the
30 dealer must put customers on notice that the dealer does not
31 have title to the vehicle or warranty the title. The consignor
32 is required to maintain appropriate financial liability
33 coverage for the vehicle, and the dealer assumes no liability
34 for damages resulting from a test drive. In a consignment
35 transaction authorized under the bill, a dealer is exempt from

S.F. 2355

1 the requirement to obtain a title to the vehicle and to assign
2 and warrant the title to the purchaser.